

FILED

2004 NOV 29 PM 3: 03

EEVERLY FRAME
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85304

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of:

**REVISION OF CALENDAR ASSIGNMENTS
AND ASSIGNMENT AND NUMBERING
OF CASES OF SUPERIOR COURT,
YUMA COUNTY, ARIZONA**

Administrative Order

NO. 2004-10

This Administrative Order shall supersede and take the place of Administrative Order No. 2001-06 dated March 29, 2001, Administrative Order No. 2001-08 dated May 4, 2001, Administrative Order 2002-12 dated May 24, 2002, and Administrative Order No 2003-05 dated August 13, 2003.

The Superior Court in Yuma County wants to maintain its effective caseload management system and to accomplish its goal of disposing of 90% of the felony cases within 100 days of filing, and 99% within 180 days.

Case disposition statistics and best practice dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, reciprocal, juvenile, probate, mental health, adoption, and other proceedings among the different Divisions of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective January 1, 2005, and until further order of the presiding judge, the following assignments of Superior Court Judges are made for the Judges of the Yuma County Superior Court:

- (1) Tom C. Cole is assigned to Division One;
- (2) Kirby Kongable is assigned to Division Two;
- (3) Richard W. Donato is assigned to Division Three;
- (4) Andrew W. Gould is assigned to Division Four; and
- (5) John N. Nelson is assigned to Division Five.

IT IS FURTHER ORDERED effective January 1, 2005:

- (1) All cases currently assigned to the Honorable Thomas A. Thode, Division Three, are assigned to the Honorable Richard W. Donato, Division Three; and
- (2) All cases currently assigned to the Honorable John N. Nelson, Division Two, unless otherwise specifically ordered by the Presiding Judge, are assigned to the Honorable Kirby Kongable, Division Two; and
- (3) All cases currently assigned to the Honorable Kirby Kongable, Division Five, unless otherwise specifically ordered by the Presiding Judge, are assigned to the Honorable John N. Nelson, Division Five.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) immediately below.

IT IS FURTHER ORDERED that these felony criminal complaints shall continue to be assigned as follows:

- (1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.
- (2) Fugitive felony complaints shall not be assigned to a Superior Court Division.

All of the Yuma County Justices of the Peace and the practicing attorneys in Yuma County are respectfully requested to assist in making this transition as smooth as possible.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division:

IT IS ORDERED that effective January 1, 2005, and until further order of the presiding judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a

1 Superior Court Division as set forth above, and that co-defendant cases shall continue to be
2 assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma
3 County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints
4 when filing co-defendant cases in Justice Court.

5 IT IS FURTHER ORDERED that if a criminal case originates in a manner other
6 than by way of a felony complaint being filed in Justice Court, such as by way of a Direct
7 Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall
8 assign those cases as follows:

- 9 (1) All numbered cases, the last two digits of which number when divided by four (4)
10 result in a remainder of one (1), to Division One;
- 11 (2) All numbered cases, the last two digits of which number when divided by four (4)
12 result in a remainder of two (2), to Division Two;
- 13 (3) All numbered cases, the last two digits of which number when divided by four (4)
14 result in a remainder of three (3), to Division Three;
- 15 (4) All numbered cases, the last two digits of which number when divided by four (4)
16 result in a remainder of zero (0), to Division Four.

17 IT IS FURTHER ORDERED that all pleadings, notices and orders filed by an interested
18 party in a Superior Court case shall reflect, immediately beneath the case number, the Division
19 number to which the case has been assigned.

20 IT IS FURTHER ORDERED that all pending criminal cases with warrants outstanding
21 that are currently assigned to a judge other than those designated in Divisions One through Four
22 above, shall be assigned to divisions according to the numbering system set forth above and
23 made a part of this administrative order for criminal cases.

24 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
25 sentenced by a judge who is active and sitting as designated in Divisions One through Four
26 above, shall be assigned to that judge. Such assignment shall include, but not be limited to,
27 petitions for violation of probation, petitions for restoration of civil rights, and petitions to
28 modify conditions of probation.

IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
sentenced by a judge who is active and sitting as designated in Divisions One through Five

1 above, shall be assigned to that judge for all petition for post-conviction relief proceedings.

2 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
3 sentenced by a judge other than those designated in Divisions One through Four above,
4 shall be assigned to divisions according to the numbering system set forth above and made a part
5 of this administrative order for criminal cases. Such assignment shall include, but not be limited
6 to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify
7 conditions of probation, and petitions for post-conviction relief.

8 IT IS ORDERED that effective with cases filed beginning January 1, 2005, and until
9 further order of the presiding judge, all civil cases shall continue to be assigned as follows:

- 10 (1) All numbered cases, the last two digits of which number when divided by four (4)
11 result in a remainder of one (1), to Division One;
- 12 (2) All numbered cases, the last two digits of which number when divided by four (4)
13 result in a remainder of two(2), to Division Two;
- 14 (3) All numbered cases, the last two digits of which number when divided by four (4)
15 result in a remainder of three (3), to Division Three;
- 16 (4) All numbered cases, the last two digits of which number when divided by four (4)
17 result in a remainder of zero (0), to Division Four.

18 IT IS ORDERED that effective with cases filed beginning January 1, 2005, and until
19 further order of the presiding judge:

- 20 (1) All mental health cases shall continue to be assigned to Division Three; and
- 21 (2) That any mental health cases filed prior to January 1, 2005, that come before the
22 court for hearing or review after January 1, 2005, shall continue to be
23 automatically reassigned to Division Three.

24 IT IS ORDERED that effective with cases filed beginning January 1, 2005, and until
25 further order of the presiding judge:

- 26 (1) All civil cases where a petition has been filed seeking an order of the court to
27 detain a person as a Sexually Violent Person pursuant to the Sexually Violent
28 Persons Act, A.R.S. §§36-3701 through 36-3716, shall continue to be assigned to
Division Three.
- (2) Any civil cases where a petition has been filed prior to January 1, 2005,
seeking an order of the court to detain a person as a Sexually Violent
Person pursuant to the Sexually Violent Persons Act, A.R.S. §§36-3701 through
36-3716, that come before the court for hearing or review after January 1, 2005,
shall continue to be automatically assigned to Division Three.

IT IS ORDERED that effective with cases filed beginning January 1, 2005, and until

1 further order of the presiding judge:

- 2 (1) All adoption cases shall be assigned to Division Five and, unless otherwise
3 ordered, be heard at the Juvenile Justice Center court facilities in Yuma County;
4 and
- 5 (2) Any adoption cases filed prior to January 1, 2005, that come before the court for
6 hearing or review after January 1, 2005, shall be automatically reassigned to
7 Division Five.

8 IT IS ORDERED that effective with cases filed beginning August 15, 2003, and until
9 further order of the presiding judge:

- 10 (1) All probate cases shall continue to be assigned on a rotation basis
11 to Division Three and Division Two, with all odd
12 numbered cases being assigned to Division Three, and
13 all even numbered cases being assigned to Division Two; and
- 14 (2) Any probate cases filed prior to August 15, 2003,
15 shall remain assigned to the Honorable John Paul Plante, Commissioner/Superior
16 Court Judge Pro Tem.

17 IT IS ORDERED that effective with cases filed beginning August 15, 2003, and
18 until further order of the presiding judge:

- 19 (1) All guardianship and conservator cases shall continue to be assigned
20 on a rotation basis to Division Three and Division Two, with
21 all odd numbered cases being assigned to Division Three, and all
22 even numbered cases being assigned to Division Two; and
- 23 (2) Any guardianship and conservator cases filed prior to
24 August 15, 2003, shall remain assigned to the Honorable
25 John Paul Plante, Commissioner/Superior Court Judge Pro Tem.

26 IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior
27 Court shall continue to be assigned to Division Five.

28 IT IS ORDERED that all cases of the Adult Drug Court shall continue to be assigned to
Division One and Division Four.

IT IS ORDERED that all domestic relations cases shall continue to be assigned to the
Honorable John Paul Plante, Commissioner/Superior Court Judge Pro Tem, except as follows:

- (1) that effective with cases filed beginning January 1, 2005, and until further order of
the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona
Attorney General's Office shall continue to be assigned to
Commissioner/Superior Court Judge Pro Tem Denise D. Gaumont;
- (2) that any Title IV(D) child support actions initiated by the Arizona Attorney
General's Office filed prior to January 1, 2005, that come before the court for
hearing on January 1, 2005, and after, shall continue to be assigned to
Commissioner/Superior Court Judge Pro Tem Denise D. Gaumont;

1
2 (3) that any Title IV(D) cases assigned under a) & b) above, that come before the
3 court for hearing on some issue other than child support, shall continue to be
4 reassigned to the Honorable John Paul Plante for those contested issues. These
hearings would include, but not be limited to, a visitation issue, a custody issue, or
a change of custody issue.

5 IT IS ORDERED beginning January 1, 2005, Commissioner/Superior Court Judge Pro
6 Tem Denise D. Gaumont shall continue to hear cases for the Juvenile Division of the Superior
7 Court all day on Mondays, all day on Tuesdays, and on Wednesday mornings; further, that she
8 shall continue to hear cases for the Superior Court on Wednesday afternoons, all day on
9 Thursdays and all day on Fridays.

10 IT IS ORDERED beginning January 1, 2005, and until further order of the presiding
11 judge, all domestic relations default actions shall continue to be heard by either
12 Commissioner/Superior Court Judge Pro Tem Denise D. Gaumont or Commissioner/Superior
13 Court Judge Pro Tem John Paul Plante on Wednesday afternoons at 2:00 p.m.

14 IT IS ORDERED beginning January 1, 2005, and until further order of the presiding
15 judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office
16 shall continue to be heard by Commissioner/Superior Court Judge Pro Tem Denise D. Gaumont
17 on Thursdays.

18 IT IS ORDERED beginning January 1, 2005, and until further order of the presiding
19 judge, all Arraignments shall continue to be heard by either Commissioner/Superior Court Judge
20 Pro Tem Denise D. Gaumont or Commissioner/Superior Court Judge Pro Tem John Paul Plante
21 on Fridays at 8:30 a.m.

22 IT IS ORDERED beginning January 1, 2005, and until further order of the presiding
23 judge, all Motions to Review Conditions of Release shall continue to be heard by either
24 Commissioner/Superior Court Judge Pro Tem Denise D. Gaumont or Commissioner/Superior
25 Court Judge Pro Tem John Paul Plante on Fridays at 9:00 a.m.

26 IT IS ORDERED beginning January 1, 2005, and until further order of the presiding
27 judge, the administrative duties and responsibilities of calling and impaneling grand juries by the
28 Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in
addition to the presiding judge, be assigned to Judge Andrew W. Gould, Division 4. Judge

1 Andrew Gould shall assume the primary assignment of all matters pertaining to a grand jury
2 requiring the attention of a Superior Court judge in Yuma County.

3 Notwithstanding the judicial assignments set forth in this Administrative Order, during
4 the absence or unavailability of any assigned Superior Court Judge, including the Juvenile Court
5 Division and the calling and impanelment of any Grand Jury, another Superior Court Judge may
6 be substituted in his or her place.

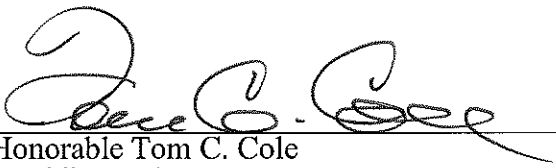
7 IT IS ORDERED beginning January 1, 2005, and until further order of this court, the
8 criminal calendars shall be held as follows:

9 (1) Divisions One and Four on Tuesday and Thursday mornings beginning at 8:30
10 a.m.;

11 (2) Divisions Two and Three on Wednesday and Friday mornings beginning at 8:30
12 a.m.

12 IT IS ORDERED that Law and Motion Day shall continue to be the first working day of
13 each week, with proceedings being held on that day unless otherwise set by the Judge assigned to
14 a particular case.

15 DATED this 29th day of November, 2004.

16
17
18 
19 Honorable Tom C. Cole
20 Presiding Judge

21 Copies to:

22 Hon. John N. Nelson
23 Hon. Thomas A. Thode
24 Hon. Andrew W. Gould
25 Hon. Kirby Kongable
26 Hon. John Paul Plante
27 Hon. Denise D. Gaumont
28 Hon. Richard W. Donato
Beverly Frame, Clerk of the Superior Court
Margaret Guidero, Court Administrator
Jane E. Pray, Caseflow Manager